

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>CAROL BERGIN,</b>	:	
Plaintiff,	:	
	:	<b>CIVIL ACTION</b>
<b>v.</b>	:	<b>NO. 10-2289</b>
	:	
<b>TEAMSTERS LOCAL UNION NO. 77,</b>	:	
Defendant,	:	
	:	

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**ORDER**

**AND NOW**, this 3<sup>rd</sup> day of February, 2011, upon review of Defendant's Motion to Dismiss [Doc. No. 2], Plaintiff's response [Doc. No. 4], and Defendant's reply [Doc. No. 8], and for the reasons set forth in the attached Memorandum Opinion, it is hereby **ORDERED** that Defendant's Motion is **GRANTED** in part and **DENIED** in part. Plaintiff's due process claim is **DISMISSED** for failure to state a claim upon which relief may be granted. Plaintiff's state law claim that Defendant breached its duty of fair representation is **REMANDED** to the Court of Common Pleas for Delaware County.

The Clerk of Court is **DIRECTED** to **CLOSE** this case.

It is so **ORDERED**.

**BY THE COURT:**

**/s/ Cynthia M. Rufe**

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**CYNTHIA M. RUFE, J.**